

ASSEMBLY BILL

No. 2867

Introduced by Assembly Member Torrico

February 24, 2006

An act to amend Section 66445 of the Government Code, relating to subdivisions.

LEGISLATIVE COUNSEL'S DIGEST

AB 2867, as introduced, Torrico. Subdivision Map Act.

Existing law requires parcel maps to conform to specified conditions, including a statement signed and acknowledged by all parties having any record title interest in the real property being subdivided, consenting to the preparation and recordation of the parcel map. When the land is being divided into 4 or fewer parcels, where dedications or offers of dedication are not required, the statement shall be signed and acknowledged by the subdivider only. If the subdivider does not have a record title ownership interest in the property to be subdivided, the local agency may require the subdivider to provide the local agency with satisfactory evidence that the persons with record title ownership have consented to the proposed division.

This bill would state that a statement, signed and acknowledged by the party having record title interest, shall be considered satisfactory evidence.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 66445 of the Government Code is
2 amended to read:

1 66445. The parcel map shall be prepared by, or under the
2 direction of, a registered civil engineer or licensed land surveyor,
3 shall show the location of streets and property lines bounding the
4 property, and shall conform to all of the following provisions:

5 (a) It shall be legibly drawn, printed, or reproduced by a
6 process guaranteeing a permanent record in black on tracing
7 cloth or polyester base film. Certificates or statements, affidavits,
8 and acknowledgments may be legibly stamped or printed upon
9 the map with opaque ink. If ink is used on polyester base film,
10 the ink surface shall be coated with a suitable substance to assure
11 permanent legibility.

12 (b) The size of each sheet shall be 18 by 26 inches or 460 by
13 660 millimeters. A marginal line shall be drawn completely
14 around each sheet, leaving an entirely blank margin of one inch
15 or 025 millimeters. The scale of the map shall be large enough to
16 show all details clearly and enough sheets shall be used to
17 accomplish this end. The particular number of the sheet and the
18 total number of sheets comprising the map shall be stated on each
19 of the sheets, and its relation to each adjoining sheet shall be
20 clearly shown.

21 (c) Each parcel shall be numbered or lettered and each block
22 may be numbered or lettered. Each street shall be named or
23 otherwise designated. The subdivision number shall be shown
24 together with the description of the real property being
25 subdivided.

26 (d) (1) The exterior boundary of the land included within the
27 subdivision shall be indicated by distinctive symbols and clearly
28 so designated.

29 (2) The map shall show the location of each parcel and its
30 relation to surrounding surveys. If the map includes a
31 “designated remainder” parcel or similar parcel, and the gross
32 area of the “designated remainder” parcel or similar parcel is five
33 acres or more, that remainder parcel need not be shown on the
34 map and its location need not be indicated as a matter of survey,
35 but only by deed reference to the existing boundaries of the
36 remainder parcel.

37 (3) A parcel designated as “not a part” shall be deemed to be a
38 “designated remainder” for purposes of this section.

39 (e) Subject to the provisions of Section 66436, a statement,
40 signed and acknowledged by all parties having any record title

1 interest in the real property subdivided, consenting to the
2 preparation and recordation of the parcel map is required, except
3 that less inclusive requirements may be provided by local
4 ordinance.

5 With respect to a division of land into four or fewer parcels,
6 where dedications or offers of dedications are not required, the
7 statement shall be signed and acknowledged by the subdivider
8 only. If the subdivider does not have a record title ownership
9 interest in the property to be divided, the local agency may
10 require that the subdivider provide the local agency with
11 satisfactory evidence that the persons with record title ownership
12 have consented to the proposed division. *A statement, signed and*
13 *acknowledged by the party having record title interest shall be*
14 *considered satisfactory evidence.* For purposes of this paragraph,
15 “record title ownership” means fee title of record unless a
16 leasehold interest is to be divided, in which case “record title
17 ownership” means ownership of record of the leasehold interest.
18 Record title ownership does not include ownership of mineral
19 rights or other subsurface interests that have been severed from
20 ownership of the surface.

21 (f) Notwithstanding any other provision of this article, local
22 agencies may require that those statements and acknowledgments
23 required pursuant to subdivision (e) be made by separate
24 instrument to be recorded concurrently with the parcel map being
25 filed for record.

26 (g) On and after January 1, 1987, no additional survey and
27 map requirements shall be included on a parcel map that do not
28 affect record title interests. However, the map shall contain a
29 notation of reference to survey and map information required by
30 a local ordinance adopted pursuant to Section 66434.2.

31 (h) Whenever a certificate or acknowledgment is made by
32 separate instrument, there shall appear on the parcel map a
33 reference to the separately recorded document. This reference
34 shall be completed by the county recorder pursuant to Section
35 66468.1.

36 (i) If a field survey was performed, the parcel map shall
37 contain a statement by the engineer or surveyor responsible for
38 the preparation of the map that states that all monuments are of
39 the character and occupy the positions indicated, or that they will
40 be set in those positions on or before a specified date, and that

1 the monuments are, or will be, sufficient to enable the survey to
2 be retraced.
3 (j) Any public streets or public easements to be left in effect
4 after the subdivision shall be adequately delineated on the map.
5 The filing of the parcel map shall constitute abandonment of all
6 public streets and public easements not shown on the map,
7 provided that a written notation of each abandonment is listed by
8 reference to the recording data or other official record creating
9 these public streets or public easements and certified to on the
10 map by the clerk of the legislative body or the designee of the
11 legislative body approving the map. Before a public easement
12 vested in another public entity may be abandoned pursuant to this
13 section, that public entity shall receive notice of the proposed
14 abandonment. No public easement vested in another public entity
15 shall be abandoned pursuant to this section if that public entity
16 objects to the proposed abandonment.

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